

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

NEUTRAL TANDEM, INC.,

Plaintiff,

v.

No. 08-CV-3402

PEERLESS NETWORK, LLC, PEERLESS  
NETWORK of ILLINOIS, LLC, and JOHN  
BARNICLE,

Judge John W. Darrah

Magistrate Judge Maria Valdez

Defendants.

**AGREED MOTION TO EXTEND PLAINTIFF'S TIME TO ANSWER  
COUNTERCLAIMS OR OTHERWISE PLEAD**

Now comes Plaintiff Neutral Tandem, Inc. ("Neutral Tandem"), by its attorneys Jenner & Block LLP, to respectfully move this Court to grant Neutral Tandem an extension of time until September 17, 2008 to answer or otherwise plead to Defendants' Counterclaims. In support of this motion, Neutral Tandem states as follows:

1. Neutral Tandem filed its Complaint in the above-captioned case against Peerless Network, LLC, Peerless Network of Illinois, LLC and John Barnicle (collectively "Defendants") on June 12, 2008.

2. Defendants requested and Neutral Tandem agreed to an extension of time to file their Answer to Neutral Tandem's Complaint on July 28, 2008. Defendants responded to the Complaint by answering and also asserted nine Counterclaims against Neutral Tandem.

3. Pursuant to Federal Rule of Civil Procedure 12(a)(1)(B), Neutral Tandem was to file an answer or otherwise responsive pleading to Defendants' Counterclaims on or before August 18, 2008.

4. Neutral Tandem has requested, and Defendants have agreed, to extend the due date for Neutral Tandem to file its answer and/or responsive pleading to Defendants' Counterclaims.

5. The parties now stipulate and agree that Neutral Tandem's answer or responsive pleading shall be filed on or before September 17, 2008.

6. A proposed order is attached hereto as Exhibit A.

WHEREFORE, Plaintiffs respectfully request that the Court enter an order granting an extension of time to and including September 17, 2008, to answer or otherwise plead.

Dated: August 13, 2008

Respectfully submitted

NEUTRAL TANDEM, INC.

By: /s/ John R. Harrington  
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Attorneys for Plaintiff,  
NEUTRAL TANDEM, INC.

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Defendants.

**PROPOSED ORDER**

This matter coming to be heard on Plaintiff's **Agreed Motion to Extend Plaintiff's  
Time to Answer Counterclaims or Otherwise Plead,**

IT IS HEREBY ORDERED that the motion is hereby **GRANTED**.

Dated: \_\_\_\_\_

\_\_\_\_\_  
The Honorable John W. Darrah

Prepared by:  
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Joseph A. Schouten  
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Attorneys for Plaintiff,  
NEUTRAL TANDEM, INC.